

(d) *Failure to deliver on time*—(1) *Procedure*. If transit air cargo does not arrive at the destination port on time, the director of the port of arrival shall take action as provided in §§ 18.6 and 18.8 of this chapter. The amount of duty and tax shall be decided at the port of arrival on the basis of information:

- (i) On the permit copy kept at the port of arrival; and
- (ii) Obtained from the carriers as necessary.

The director of the port of arrival shall notify the airline that presented a receipt for the cargo that there has been a failure to deliver.

(2) *Responsibility of airline*. When the airline that presented a receipt for the cargo receives notice of discrepancies, the airline shall answer within 90 days of the date of such notice to the director of the port of arrival. The answer shall provide any information or documents related to the value and description of the cargo involved that the receipting airline and the importing airline can produce.

(e) *Surface movement to port of destination*. If an aircraft arrives at the port of arrival with cargo to be carried as transit air cargo, the cargo may be transferred to another carrier for surface movement to the port of destination. The transfer is allowed under the following conditions:

- (1) The bond of the party receiving the cargo for surface movement must cover the transfer and surface movement;
- (2) The description of the cargo on the transit air cargo manifest must be complete;
- (3) The entire shipment listed in the transit air cargo manifest must be shipped from the port of arrival to the port of destination by the same surface carrier; and
- (4) The requirements of § 122.114(b) must be followed.

[T.D. 88–12, 54 FR 9292, Mar. 22, 1988; T.D. 00–22, 65 FR 16518, Mar. 29, 2000]

**§ 122.120 Transportation to another port for exportation.**

(a) *Application*. Air cargo may be transferred as transit air cargo at the port of arrival for transportation to an-

other port in the U.S. and later exportation under this section.

(b) *Supervision*—(1) *From port of arrival to exportation port*. The director of the port of arrival shall order any supervision found necessary for the transfer of transit air cargo for transportation to another port for export.

(2) *At exportation port*. Customs shall be notified far enough in advance to be able to make any required supervision of the lading of cargo, and to enforce any other Federal agency requirements, when transit air cargo is ready for lading on the exporting aircraft.

(c) *Time*. Transit air cargo covered by this section shall be delivered to Customs at the port of exportation within 15 days from the date of receipt by the forwarding airline.

(d) *Transit air cargo manifest copies*. Five copies of the transit air cargo manifest shall be filed with Customs.

(1) *Port of arrival*. Two copies of the transit air cargo manifest, marked separately as “permit” and “control” copies, shall be filed with Customs at the port of arrival. Filing shall be made when the arriving aircraft enters, or before the general order period ends, by the airline which presents a receipt to transport the cargo from the port of arrival to the port of destination.

(2) *Port of exportation*. Three copies of the transit air cargo manifest shall be filed at the port of exportation.

(i) *Carrier manifest copy*. The carrier manifest copy shall be attached to the listing of cargo shipments and submitted when the cargo arrives at the exportation port.

(ii) *Exportation and clearance copies*. Two copies, marked separately as “exportation” and “clearance” copies, shall be filed with Customs at the exportation port.

(e) *Delivery to exporting airline*. When the transit air cargo arrives at the exportation port, it may be delivered directly to the exporting carrier, together with the exportation and clearance copies. The name of the exporting carrier shall be clearly noted on the carrier manifest copy, which shall then be delivered to Customs.

(f) *Storage by exporting airline*. The exporting carrier shall keep all cargo listed on the transit air cargo manifest in one storage space. This storage

space shall be separate from the area in which special shipments which require a license under paragraph (g) of this section are stored.

(g) *Export license*—(1) *Review*. A Customs officer shall review the carrier manifest copy of the transit air cargo manifest to make sure that the export licensing requirements of other Federal agencies have been followed.

(2) *Information inadequate*. If the manifest information is not enough for Customs to determine that a license or other requirement applies, then the transit air cargo shall be checked by examination, or by inspection of the air waybills or attached invoices.

(3) *When license or other requirement applies*. The exporting airline shall be notified at once if Customs finds that the shipment cannot be exported without a license or other approval. The shipment shall then be put under constructive Customs custody in a special area set aside for the shipment in the exporting airline's cargo terminal.

(h) *Filing of exportation and clearance copies*—(1) *Information*. When filed with Customs, the exportation and clearance copies of the transit air cargo manifest shall each show:

- (i) The aircraft number;
- (ii) The aircraft flight number; and
- (iii) The date.

(2) *Filing*. The exporting airline shall file the exportation and clearance copies before the aircraft that carries the transit air cargo departs. The clearance copies shall be grouped together and not mixed in with other outward manifest sheets. The exportation copies shall be grouped together, and kept separate from the outward clearance documents.

(i) *Cargo not laden at same airport by same airline*. If all the cargo listed on one transit air cargo manifest sheet is not laden for exportation from the same U.S. airport by the same airline, then separate entries on Customs Form 7512 are required for each cargo shipment listed:

- (1) For transportation and exportation under subpart J of this part; or
- (2) For direct exportation under § 18.25 of this chapter.

(j) *Cargo laden on more than one aircraft of same airline*. When any cargo shipment listed on the same transit air

cargo manifest must be exported on more than one aircraft of the same airline, § 122.118(d) applies.

(k) *Failure to deliver*. If all or part of the cargo listed on the transit air cargo manifest is not accounted for with an exportation copy within 40 days, the director of the port of arrival shall take action as provided in § 122.119(d).

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### Subpart M—Aircraft Liquor Kits

#### § 122.131 Application.

(a) *Liquor and tobacco*. Subpart M applies to:

- (1) Duty-free and tax-free liquor and tobacco; and
- (2) Duty-paid and tax-paid liquor and tobacco which has been placed in the same liquor kit as duty-free and tax-free liquor and tobacco.

(b) *Aircraft*. Subpart M applies to all commercial aircraft on domestic or foreign flights operating into, from and between U.S. airports, which are carrying:

- (1) Duty-free and tax-free liquor and tobacco withdrawn from bond under section 309, Tariff Act of 1930, as amended (19 U.S.C. 1309); or
- (2) Other liquor or tobacco on which duty or taxes have not been paid.

This includes any aircraft carrying duty-free and tax-free liquor under 19 U.S.C. 1309, or other Federal law, although the aircraft is not required to enter, clear or report arrival.

#### § 122.132 Sealing of aircraft liquor kits.

(a) *Sealing required*. Aircraft liquor kits shall be sealed on board the aircraft by crewmembers before the aircraft lands in the U.S. The liquor kits shall be kept under seal while on the ground unless taken to an authorized airline in-bond liquor storeroom.

(b) *Exception*. When an aircraft is traveling between airports in the U.S., in a trade for which duty-free and tax-free liquor is used during flight, sealing the liquor kits on board during transporting stopovers is not required if:

- (1) The liquor kits are kept on board the aircraft; and